

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION**

**CHIEF JUSTICE BLACK JACK PRUETT**

The Sovereign Nation of Tejas Indians,

## Hasinai Confederacy

also known as

Blackjack WJM Pruett

also known as Tettat,

Honorable Reverend Chief

# Blackjack Pruett

also known as

# Blackjack Walksfar jm Pruett

v. Petitioner,

**THE GOVERNMENT OF TEXAS**

Respondent

[illegible]

**Case No. 7:08-CV-00173-O-KA**

## MEMORANDUM AND RECOMMENDATION

This case comes before the undersigned pursuant to an Order of Reference (Docket No. 7) dated May 15, 2009. The *pro se* Plaintiff named Blackjack Pruett has been permitted to proceed in *forma pauperis*. Incident to the docketing process, the Clerk of this Court has generously labeled the Plaintiff's twenty-one page initial pleading a "Complaint." Process has not yet been requested or issued or served.

Plaintiff's Complaint titled "Plea to Intervene" which initiates the consideration of this case is replete with what one might call "jurisprudential jibberish" or "juridical jabberwocky."<sup>1</sup> The pleading contains a jumbled mishmash of pages, paragraphs and sections cobbled together to resemble a court pleading. It contains an array of ambiguous allusions to an imaginary tribe/nation of native Americans, the tribe/nation's illusory court structure, and a criminal case (or cases) pending against one "Gabriel Lee Corona," an alleged member of such tribe/nation. The Complaint appears to contain excerpts or copies of portions of pleadings and/or orders and/or certificates submitted for filing by the Plaintiff in, or in relation to, one or more cases

<sup>1</sup> A example from *Jabberwocky* by Lewis Carroll (1871)

“Twas brillig, and the slithy toves  
Did gyre and gimble in the wabe;  
All mimsy were the borogoves,  
And the mome raths outgrabe.”

pending against Corona in the County Court of Law No. 2 of Wichita County, Texas. After having parced Plaintiff's pleading numerous times, I have found and concluded as follows:

Nominal Parties

- A. Plaintiff is an individual with many aliases and resides in Texas and claims to be a member of the "Nation of Tejas Indians", an alleged member of the Hasanai Confederacy, an alleged association of tribes of native North Americans. Plaintiff claims to act and appear herein in the capacity as the "Chief Justice" of a "Tribal Court of Discovery" of the "Nation of Tejas Indians."
- B. The Defendants against whom relief is sought are:
  - 1. The State of Texas;
  - 2. The Judges of the District and County Courts at Law of Wichita County, Texas, and their court respective coordinators;
  - 3. The District Attorney of Wichita County, Texas, and one named Assistant;
  - 4. The Sheriffs of 254 Texas Counties;
  - 5. All peace officers of Texas municipalities and of the State of Texas; and,
  - 6. The United States Marshall Service.

Relief Sought

The Plaintiff apparently seeks the following forms of relief:

- A. Injunctive Relief to halt the state court criminal proceedings against Corona;
- B. Mandamus to cause the transfer of the Corona criminal proceedings from the state courts to the "tribal courts" of the "Nation of Tejas Indians";
- C. Mandamus to force the Sheriffs and peace officers to assist the tribal courts in enforcing tribal jurisdiction and laws;
- D. Orders imposing fines against the Wichita County District Attorney and his Assistant for Contempt of Court (apparently the tribal court); and,
- E. Assessment of Costs and Fees to be paid to the tribal court.

Grounds for Relief

As grounds for these various forms of relief, Plaintiff claims that the Texas state courts and their judicial, prosecutorial and enforcement personnel in their various capacities have refused to recognize or acknowledge the existence of the nation of Tejas Indians, the authority of any of its alleged courts or justices, or the capacity and authority of Plaintiff as the nation's claimed Chief Justice. Plaintiff claims that the state court proceedings violate the jurisdictional authority of the nation of Tejas Indians created under and by virtue of two treaties, to-wit: the "Treaty of 1844," a treaty signed on behalf of the state of Texas, and the "Treaty of 1806," a treaty allegedly signed on behalf of the United States. Plaintiff claims that by reason of those treaties, the state of Texas is bound to allow the courts of the Nation of Tejas Indians to take or assume jurisdiction (whether exclusive or concurrent) over any proceedings against any member of the Nation or its tribes who invokes the tribal jurisdiction. Plaintiff claims that Corona invoked the jurisdiction of the tribal court but that the state trial court refused to consider stay of

its proceedings or transfer of jurisdiction of the case(s) to the tribal court. To enforce Corona's rights as an alleged tribal member and to force the various defendants to recognize the authority of the tribal court and transfer or cede jurisdiction over Corona's case(s), Plaintiff seeks to invoke the power of the this Court.

### Jurisdiction

Since this action is brought by a citizen of the State of Texas against entities and individuals who are also Texas residents, diversity of citizenship jurisdiction does not exist. This leaves only a federal question as a possible basis for this Court's jurisdiction. Since Plaintiff fails to allege any violation of any particular provision of the Constitution of the United States, this Court's jurisdiction must, therefore, rest upon some claimed violation of a federal law. The only Federal law, Federal statutes or the like referred to in Plaintiff's pleading are the two treaties referenced above.

### Findings and Conclusions

There was in fact a Treaty of 1844 (often referred to as the Treaty of Bird's Fort) which was signed by Sam Houston on behalf of the Republic of Texas before Texas was admitted into the Union as a state.<sup>2</sup> The parties to the treaty were the Republic of Texas and the "Indigenous Nations of the Delaware, Chickasaw, Waco, Tawakani, Keechi, Caddo, Anadahkah, Ionie, Biloxi and Cherokee" tribes. Nowhere in that treaty are the Tejas nation or Tejas tribe mentioned by name or referenced in any other way. In some modern historical writings certain of the Caddoan speaking tribes located in the eastern part of Texas were referred to as the Hasanai confederacy or the Tejas.

There are numerous treaties referred to as the "Treaty of 1806" when Thomas Jefferson was the President of the United States. One such treaty was the Monroe-Pinkney Treaty of 1806 between Britain and the United States which was proposed to renew the pre-existing "Jay Treaty" but was rejected by President Jefferson and never sent to the Senate for ratification. Another is a treaty between Cherokee Nation of Indians and the United States by which the Cherokee ceded certain lands to the United States in exchange for payment of money. The Treaty of 1806 referenced by the Plaintiff in his pleading is neither of these.

Instead Plaintiff refers the Court to a document appended to an article ostensibly written by one Col. Aaron Greenburg, PhD, at the University of Texas, wherein Greenburg relates a short summary of an expedition by Captain Richard Sparks and Thomas Freeman along the Red River. The Greenburg account with the appended "treaty" is reported on the internet website that appears to be maintained by the Plaintiff himself.<sup>3</sup> The Greenburg article recounts that during

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<sup>2</sup> The background of that Treaty was summarized by the Texas State Library & Archives Commission that can be accessed at <http://link.tsl.state.tx.us/treasures/indians/birds-01.html> and a copy of that Treaty may be found at the website <http://www.republic-of-texas.net/newarchive/treaties/birdsfort.htm>

<sup>3</sup><http://www.tejasindians.info/index.html> The purported treaty may be accessed by following the link from the home page to the Tejas Timeline link to the Treaty of 1806 link.

the expedition a treaty was reached with the Tejas Nations, a part of the Hasinai Confederacy.

In fact there was an early exploration expedition up the Red River from the Mississippi River authorized by President Thomas Jefferson. The Freeman-Custis Expedition (sometimes referred to as the Red River Expedition or the Freeman-Sparks Expedition) is the subject of definitive works written by Dan L. Flores and by W. W. Newcomb, Jr. These works describe the expedition's encounter with the Caddoan tribes in the western Louisiana and eastern Texas areas, but do not mentioned any specific treaty made by Freeman with the Tejas Indian tribe/nation mentioned by name.<sup>4</sup> Greenburg's account may have simply referred to the Tejas Nation as representing a collective of all or part of the Caddoan tribes the expedition encountered. This is the only tenuous connection of a Nation of Tejas Indians to any treaty. But the appended document represented by Plaintiff to be such a treaty appears to be bogus. The language is not representative of treaty language used elsewhere in other treaties with real Indian tribes. The grammar and punctuation appears juvenile. All in all, the purported treaty is questionable. But most significantly, the treaty does not bear the signature of the President of the United States.

Under the Constitution of the United States, the treaty making power is reposed in the President of the United States, subject to the advice and consent of the Senate, on two thirds vote. *Article II, Section 2, Paragraph 2*. There is no allegation or evidence that President Jefferson, or any other President, ever signed any treaty in connection with the Freeman-Custis Expedition with any group of Indians whether Tejas, Caddoan, or otherwise or that such a treaty was ever presented to the United States Senate or voted on by them. Thus, I conclude as a matter of law that there was no treaty with the Nation of Tejas Indians, binding upon the United States that can provide the basis for Plaintiff's claims, causes of action or relief.

Pursuant to Congressional mandate,<sup>5</sup> the Bureau of Indian Affairs, a division of the United State Department of the Interior, annually publishes a list of the federally acknowledged tribes of Native Americans in the contiguous 48 states and Alaska. The most recent list dated April 4, 2008<sup>6</sup> does not reflect the "Tejas" name as one of the federally recognized or acknowledged tribes. Nor does the list include any of the other names or confederacies mentioned by Plaintiff in his pleading. Nowhere in *Cohen's Handbook of Federal Indian Laws* is the Tejas tribe or nation mentioned. The Tejas nation is not mentioned among the *Indian Nations of Texas*, located on the internet website maintained by the Texas State Library & Archives Commission.<sup>7</sup>

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<sup>4</sup> Dan L. Flores, "Jefferson and Southwestern Exploration: The Freeman and Custis Accounts of the Red River Expedition of 1806 (Norman: University of Oklahoma Press, 1984); Carl L. Tyson, "Freeman-Custis Expedition", Encyclopedia of Oklahoma History & Culture, <http://digital.library.okstate.edu/encyclopedia/entries/F/FR019.html> Dan L. Flores, ed., Southern Counterpart to Lewis and Clark: The Freeman and Custis Expedition of 1806 (Norman: University of Oklahoma Press, 2002); "The Indians of Texas" by W. W. Newcomb, Jr. (University of Texas Press, 1961)

<sup>5</sup> 25 U.S.C. § 479a-1; 25 CFR 83.5

<sup>6</sup> 73 FR 18553

<sup>7</sup> <http://www.tsl.state.tx.us/exhibits/indian/intro/page2.html>

Due to the absence of any factual support for Plaintiff's allegations as to the existence of the Nation of Tejas Indians or Tejas Tribe, I further find that Plaintiff appears herein in no capacity other than as an individual.

Nowhere in his pleading does the Plaintiff assert rights or seek relief on behalf of himself but instead seeks to enforce alleged rights on behalf of Corona or on behalf of the Tejas tribe/nation. The Supreme Court has held that "a citizen lacks standing to contest the policies of the prosecuting authorities when he himself is neither prosecuted nor threatened with prosecution." *Linda R. S. V. Richardson, D*, 410 U. S. 614, 619, 93 S. Ct. 1146, 35 L. Ed. 2d 536 (1973); *Amir-Sharif v. Dist. Attorney's Office*, 281 Fed. Appx. 413 (5<sup>th</sup> Cir. 2008). Accordingly, Plaintiff wholly lacks standing in his alleged capacity to bring this suit to challenge in any way the authority of the Texas state courts to adjudicate the criminal proceedings against Gabriel Lee Corona.

Finally, the gravamen of all of Plaintiff's requested relief is injunctive relief in one form or another against the state of Texas or its agencies. The Federal Anti Injunction Act<sup>8</sup> prohibits a federal court from granting injunctive relief to stay proceedings in a state court except as expressly authorized by Act of Congress, or where necessary in aid of its (the Court's) jurisdiction, or to protect or effectuate its (the Court's) judgments. It applies to state criminal actions. *Younger v. Harris*, 401 U. S. 37, 91 S. Ct. 756, 27 L. Ed. 2d 669 (1971). This same statutory prohibition applies to civil rights actions when injunctive relief is sought as well as criminal proceedings. *Mitchum v. Foster*, 407 U. S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972). None of the other recognized exceptions to this statutory mandate apply. Therefore, Plaintiff has failed to allege a claim upon which relief can be granted.

#### Recommendation

I conclude that the case is totally frivolous and a waste of the Court's time. By reason of the Plaintiff's frivolousness, lack of standing, and failure to allege a claim upon which relief can be granted, I recommend that the Court dismiss Plaintiff's complaint with prejudice to the refiling of the same pursuant to 28 U.S.C. §1915(e)(2)(B)(i).

It is so Ordered, this 28<sup>th</sup> day of May, 2009.



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Robert K. Roach  
UNITED STATES MAGISTRATE JUDGE

Note: For preservation purposes, pursuant to the recently published *Guidelines on Citing to, Capturing, and Maintaining Internet Resources in Judicial Opinions/Using Hyperlinks in Judicial Opinions*, copies of the hypelinked materials are attached hereto.

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<sup>8</sup> 28 U.S.C. § 2283

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### Bird's Fort Treaty Ratification Proclamation, 1843

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"Indian Relations"

Sam Houston made Indian policy a principal concern of his second administration. On July 1, 1842, he appointed a commission to "treat with any and all Indians on the Frontiers of Texas." The Indians, too, were more open to negotiation after the costly wars under the Lamar administration had reduced their numbers. In August, they agreed to a peace council at the Waco village on October 26, 1842. They failed to attend on that date, but on March 31, 1843, chiefs of nine tribes accepted an invitation to a Grand Council to conclude a treaty of peace. They met six months later and on September 29, 1843 signed one of the few Indian treaties ratified by the Republic of Texas Senate.

By the President of the Republic  
of Texas

# Proclamation TX

To all and singular to whom  
These presents shall come, Greeting:  
Whereas, a Treaty of Peace and  
Friendship between the Republic  
of Texas and the Delaware, Chickasaw,  
Muscogee, Ickawilla, Keetchi, Caddo,  
Anadarko, Kadoh, Biloxi,  
and Cherokee Tribes of Indians, was  
concluded and signed at Bird's Fort  
on the Trinity River, on the twenty-  
ninth day of September, in the year  
of our Lord, one thousand eight hun-  
dred and forty three, by S. M. Terrell and  
C. J. Samant, Commissioners on the part  
of the Republic of Texas, and certain  
Chiefs, Head men and warriors of the tribes  
of Indians aforesaid, on the part of said  
Tribes, which Treaty is, in the following words,  
to wit:

A Treaty of Peace and Friend-  
ship between the Republic of Texas,  
and the Delaware, Chickasaw, Muscogee,  
Ickawilla, Keetchi, Caddo, Anadarko,  
Kadoh, Biloxi, and Cherokee Tribes  
of Indians, concluded and signed at

E18-1-1

By the President of the Republic of Texas

Proclamation

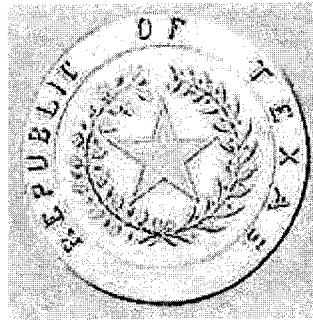
To all and singular to whom  
these presents shall come, Greeting:  
Whereas, a treaty of peace and  
friendship between the Republic  
of Texas and the Delaware, Chicka-  
saw, Waco, Tah-woc-cany, Keechi, Cad-  
-do, Ana-dah-kah, Ionie, Biloxi,  
and Cherokee tribes of Indians, was  
concluded and signed at Bird's Fort,  
on the Trinity River, on the twenty  
ninth day of September, in the year of Our Lord one thousand eight hun-  
-dred and forty three, by G.W. Terrell and  
E.H. Tarrant, Commissioners on the part  
of the Republic of Texas, and certain  
chiefs, Headmen and warriors of the tribes  
of Indians aforesaid, on the part of said  
Tribes; which treaty is, in the following words,  
to wit:  
A Treaty of Peace and Friend-  
-ship, Between the Republic of Texas,  
and the Delaware, Chickasaw, Waco,  
Tah-woc-cany, Keechi, Caddo, Ana-Dah-  
kah, Ionie, Biloxi, and Cherokee tribes  
of Indians, concluded and signed at

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This page updated 03/06/2009



**Republic of Texas Treaty  
with the Indigenous Nations of the  
Delaware, Chickasaw, Waco, Tawakani, Keechi,  
Caddo, Anadahkah, Ionie, Biloxi, and Cherokee  
September 29, 1843  
Ratified by the Senate**

By the President of the Republic of Texas

Proclamation

To all and singular to whom these presents shall come,

Greeting:

Whereas, a treaty of peace and friendship between the Republic of Texas and the Delaware, Chicka-saw, Waco, Tah-woc-cany, Keechi, Cad-do, Ana-dah-kah, tribes of Indians, was concluded and signed at Bird's Fort, on the Trinity River, on the twenty ninth day of September, in the year of Our Lord one thousand eight hundred and forty three, by G.W. Terrell and E.H. Tarrant, Commissioners on the part of the Republic of Texas, and certain chiefs, Headmen and warriors of the tribes of Indians aforesaid, on the part of said Tribes; which treaty is, in the following words, to wit: A Treaty of Peace and Friendship, Between the Republic of Texas, and the Delaware, Chickasaw, Waco, Tah-woc-cany, Keechi, Caddo, Ana-Dah- kah, Ionie, Biloxi, and Cherokee tribes of Indians, concluded and signed at Bird's Fort, on the Trinity River, the 29th day of September, 1843.

Whereas, for sometime past, hostilities have existed and war been carried on between the white and red men of Texas, to the great injury of both parties; and whereas, a longer continuance of the same would lead to no beneficial result, but increase the evils which have so long unhappily rested upon both races; and whereas, the parties are now willing to open the path of lasting peace and friendship and are desirous to establish certain solemn rules for the regulation of their mutual intercourse: Therefore, the Commissioners of the Republic of Texas,

and the chiefs and Headmen of the beforementioned tribes of Indians being met in council at Bird's Fort, on the Trinity River, the 29th day of September, 1843, have concluded, accepted, agreed to and signed the following articles of treaty:

Article I. Both parties agree and declare, that they will forever live in peace and always meet as friends and brothers. Also, that the war which may have heretofore existed between them, shall cease and never be renewed.

Article II. They further agree and declare, that it is the duty of warriors to protect women and children, and that they will never make war upon them, or upon unarmed persons; but only upon warriors

Article III. They further agree and declare, that the Indians will never unite with the enemies of Texas, nor make any treaty with them, which shall require of the Indians to take part against Texas; and that if any such proposals should ever be made to them, that they will immediately communicate the same to an agent or to the President.

Article IV. They further agree and declare, that when they learn that Texas is at war with any people, a chief will come to an Agent and ask to be conducted to the President, that he may counsel with him.

Article V. They further agree and declare, that agents shall be appointed by the Government of Texas and be stationed at such places as may be deemed proper, for the purpose of hearing the complaints of the Indians and seeing that justice is one between them and the whites, and also to communicate the orders and wishes of the President to the various bands and tribes.

Article VI. They further agree and declare, that no person shall go among the Indians to trade, except by the ex- press authority of the Government of Texas.

Article VII. They further agree and declare, that no white man or other person within the control of the laws of Texas, shall introduce among any tribe or nation of Indians, or sell to any Indian or Indians, ardent spirits or intoxicating liquors of any kind.

Article VIII. They further agree and declare, that no white man or other person, else than a regularly licensed trader, shall purchase any property of an Indian or Indians, without the consent of an Agent of the Government of Texas

Article IX. They further agree and declare that when any property is found among the whites, belonging to the Indians, it shall be the duty of the Agent to see that the same is restored; and on the other hand, whenever property, belonging to the whites, is found among the Indians, the same shall be restored in like manner by the chiefs, on application of the owner or owners thereof, through

the Agent.

Article X. They further agree and declare that no trader shall furnish any warlike stores to the Indians, but by the express permission of the President.

Article XI. They further agree and declare, that no person or persons shall pass the line of trading houses, without the special permission of the President; and then only for friendly purposes; nor shall any person or persons reside or remain within the territory assigned to the Indians, unless by express direction of the President.

Article XII. They further agree and declare, that any person or persons, who shall molest, or attempt to molest the persons or property of the indians while they remain peaceable under this treaty, shall be held guilty of felony and punished accordingly by the Government o Texas.

Article XIII. They further agree and declare, that any killing or outrage whatsoever, committed by a white man, or other person within control of the laws of Texas, upon an Indian in time of peace, shall be punished by the Government of Texas in the same manner as though the Indian were a white man; and that the person so offending shall be liable to indictment and punishment in any county in the Republic.

Article XIV. They further agree and declare, that if any Indian or Indians shall kill any white person, he or they shall suffer death; and that if any Indian or Indians shall steal any property of the whites, he or they shall be punished by the Tribe, in presence of an Agent, with whipping or other punishment, according to the offense.

Article XV. They further agree and declare, that the Chiefs and Captains will not permit the Indians to cross the line for any purpose whatsoever without authority and a passport from an agent; nor sell any property to a white man, unless authorised so to do by some agent.

Article XVI. They further agree and declare, That if any person or persons shall come among the Indians, with- out authority from the President or agent, they will immediately seize and deliver him or them to some one of the agents.

Article XVII. They further agree and declare, that they will mutually surrender and deliver up all the prisoners which they have of the other party for their own prisoners and that they will not be friendly with any people or nation, or enter into treaty with them- who will take prisoners from Texas, or do its citizens any injury.

Article XVIII. They further agree and declare, that the President may send among

the Indians such blacksmiths and other mechanics, as he may think proper, for their benefit; and also that he may send schoolmasters and families, for the purpose of instructing them in a knowledge of the English language and Christian Religion.

Article XIX. They further agree and declare, that when the President shall send persons among the Indians, they will extend to them kind treatment and protect them from harm.

Article XX. They further agree and declare, that the the chiefs and Headmen of the Indians will cause their young men and warriors to behave themselves agreeably to the words of this treaty; & that they will punish them with death, or in such other way as will compel them to keep peace and walk in the path made straight between the white and red brothers.

Article XXI. They further agree and declare, that should any difficulty or cause for war arise between the Government of Texas and the Indians, they will send their complaints to the President, and hear his answer before they commence hostilities; and the Government of Texas will do the same.

Article XXII. They further agree and declare, that so soon as the Indians shall have shown that they will keep this treaty, and no more make war upon the whites, nor steal horses from them, the President will authorize the traders of Texas to sell to them powder, lead, guns, spears and other arms, such as they may need for the purpose of killing game; and also make to them every year such presents as the Government of Texas may provide.

Article XXIII. They further agree and declare, that the Government of Texas reserves to itself the right of working all mines which have been or may hereafter be discovered in the territory assigned the Indians.

Article XXIV. They further agree and declare, that the President shall make such arrangements and regulations with the several tribes of Indians as he may think best for their peace and happiness.

The foregoing articles having been read, interpreted and fully understood by them, they hereby agree to and confirm the same by sealing and signing their several In presence of

Ro I. Gilchrist, G.W. Terrell, [seal]  
L. Williams, E.H. Tarrant, [seal]  
B.Booth,

Commissioners on the part of Texas  
Sam B. Marshall,

Rob't S. Hulme

(Roasting-Ear x [seal])

Delaware chiefs

(McCallah x [seal])

(James St. Louis x [seal])

Chickasaw chief Ish-te-u-kah-tubby x [seal]

Waco Chief Acah-quash x [seal]

Waco Chief Che-tick-kaha x [seal]

Tah-woc-cany chief Ke-chi-ka-roqua x [seal]

Kechi chief Kah-te-ah-tick x [seal]

(Red Bear x [seal])

Caddo chiefs

(Binchah x [seal])

(Had-dah-bah x [seal])

Ana-dak-kah chief Jose Maria x [seal]

Ionie Chief Tow-a-ash x [seal]

Beloxi Chief Hoyo Tubby

Cherokee Captain Chicken Trotter x [seal]

(James Shaw x

(Luis Sanchez x

Interpreters

(Chow-a-nih x

(Pierce Sobby x

(Choctaw Tom x

Now, Therefore, be it known That I, Sam Houston, President of the Republic of Texas, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their resolution of the thirty first of January, one thousand eight hundred and forty four, accept, ratify and confirm the same, and every clause and article thereof

In testimony whereof, I have hereunto set my hand and caused the Great Seal of the Republic to be affixed

Done at the town of Washington, this third day of February in the year of our Lord one thousand eight hundred and forty four and of the Independence of the Republic the Eighth.

By the President Sam Houston

Anson Jones Secretary of State

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Republic of Texas  
Nation of Texas  
Republic of Texas  
Political Prisoner Acordada Project

## **Treaty of 1806:**

### **Historical Notes**

A historical narrative A Greenburg PhD Univ Texas

- **Captain Richard Sparks and the frontiersman Thomas Freeman** are appointed by President **Jefferson** and to act on the behalf of the President of the United States with the fullness and authority to treat, discover, to explore and thus to map the Red River region, of such the Army under the captains command is charged with such notations and the returning escaped slaves, through an act of congress. The captain was to explore plat and map such sections along the United States' border with Tejas. Captain R Sparks detail discovered the slaves in Tejas- causing all to be placed on trial -

-the discovered slaves to be placed on trial, and such as the captain and the Untied States to be placed on Trial for its incursion/invasion into, another Sovereigns, Tejas lands-

The great council had convened what was and is now the Sovereign Supreme Court to hear the trials of such return of the escaped slaves, who had become citizens of the Tribal Nation thus subjects of the Hidden Kingdome of Tejas- and such as the trial of the Captain and his men. The court was called and the Captain was called as the direct representative of Jefferson, having The authority of the President of the United States, Sparks and Freeman negotiates the fullness Treaty of 1806, with the Great Chief, and the Council of Tejas Indians, of such the Hasinai Confederacy, which guarantees the Tejas Nations lands and living ways such as their culture, their freedom, and the Tribal Nations Sovereignty forever.

This treaty also establishes, the right of a Tribal Freeman, and that of a Tribal Citizen to serve in the US Military, and the rights to do trade among the confederated tribal nations in all of the Tribal lands inclusive of but not limited to that of: Louisiana, Arkansas, Tejas, Coahuila- the confederated and associated bands, quarreled Tribes or as such allied nations of the Tejas, with in Spanish, French Territories and starts a relationship with the United States. During the trial the frontiersman is assigned by the GCOC to speak in the defense of the slaves- as such they took his last name for they be came freeman- in more than one way. This is also known as the Freeman Act of 1806, signed at the Bayou Dorchiet LA, while the trial took place in Texas near the sacred waters of Tejas by Hill Creek brook and the sacred waters of: "Azule les y kik De Jesus" close to where Tyler Texas is, although the Tejas were maritime peoples, they were as such survivors and had many diversified villages with a complex governmental system with such commerce with trade when not farming they as that they too made a living on the great planes and traded many items including salt for other needed things they traded with many other tribes and other Colonial nations, like: Russia, France, Spain, later on Mexico, it made sense to trade with the Americans enemies of the British and theirs the Tejas was a kingdom in their own right, with hidden wealth and ready riches of the sea, the piney woods of East Texas, and that of the Great Plains.

**s/s COL Aaron Greenburg PhD-**

**USMC Ret- July 02, 1986**

History Univ of Texas.

**Translation conversion to English - French - Spanish -**

**BW Matthews Principal -Paramount Chief - United States dept of State 1950-54**

**United States Dept of Agriculture 1950-59**

**\*\*Aaron Greenburg PhD- 1986 July- the celebration of 180 years of peace with the United States - converted to Digital documents UT Arlington- set for archives SNTI- NO/LA- and Houston Archive**

*Supporting Documentation: Dan L Flores university of Oklahoma press (book edited)*

*William H Goetzman -*

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*Maps and citations provided courtesy M Collins PhD MSU - the freeman Cutis Accounts June 2007 200 year celebration of peace with the Untied States other supporting documents -*

Flores, Dan L., ed.. SOUTHERN COUNTERPOINT TO LEWIS AND CLARK: THE FREEMAN AND CUSTIS EXPEDITION OF 1806. Norman: University of Oklahoma Press, 2002.

Flores, Dan L., ed. JEFFERSON AND SOUTHWESTERN EXPLORATION: THE FREEMAN AND CUSTIS ACCOUNTS OF THE RED RIVER EXPEDITION OF 1806. Norman: University of Oklahoma Press, 1984

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**Other commentary and works to be indexed: -**

**ER Ramirez PhD History - University of Oklahoma**

- Michel Collins- PhD History Midwestern State University

- Hubert Daniel Singleton, M.Ed-Tribal Elder SNTI Archives,

\*\*\**(to reference Index* [click here](#))

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## **The Act**

### **Article 1**

The undersigned Sovereign, Chiefs, Warriors, and Counselors, for themselves and their headmen and said tribes or nations, and those of that of confederated tribes, associated bands, bands and or said treated nations and tribes also known to the French as Quatrells do hereby acknowledge themselves to be allies to and friends to the Territories, Colonies and States of the United States, and that of her citizens and as such shall be under the full protection of the United States, and that of her President. . They, will retain all of their rights, including that of Their Sovereignty as a nation and thus those rights to their freedoms and to all of their possessions and goods, including that of their, farms, lands and sea lanes and thus a protection of the fullness of their ways and that authority as such is agreed as not to make war against the Untied States or of such as its allies. However such as the United States may from time to time call, or as such place a request upon the Chiefs of the Tribal Nation and that of their friend and allied Protectorate to war against a common enemy. Thus too they The Tribal Nation, during a time of war, The Chiefs may, at their pleasure, induct into the service of the Untied States their citizens and tribal members for such service, and as such to may request such aid and relief by the Untied States. Thus they, The Sovereign people of the Tejas Indians and thus of they of their Confederation, bands associated bands and Tribes, clans or any other groups, and persons associated with them will agree to be made of peaceful ways as the use and understanding of law as utilized with in their court system of law as these terms have been justly judged and thus now become set as law.

### **Article 2**

Let no man, or woman thus any person free or slave take up arms against another in acts of violence to wage purpose of war for personal vengeance or such conflict, and in such acts of doing vengeance of wrongs done to them by any person, but must allow the peace and due course of law to prove such, as to such works of wrong doings, and thus have the accused delivered to the chief for judgment, and thus handed over to the Nearest Recognized Authority of the Untied States for execution of sentences lain upon or against the guilty party, or parties.

### **Article 3**

No man may come to the use of arms against one another. Thus as if actions taken against any man, such man as he have the need may bear such arms may do such for the provision of meat and food for his table. He may freely move to such as to hunt, fish, trap, farm and thus provide such for his table with out impediments. Thus let he and they with him hunt, trap and trade freely unmolested by those of the Colonial and other Tribal Nations and so do such in peace.

He may too inso doing, bearing such arms provide for such protections and hospitality for his household and those which dwell with in and through out giving such aid and protection of ones self, his loved ones and thus his property of his household and such as all of his possessions

### **Article 4**

Whosoever may come forth to serve, let them to do such to serve freely with in the military of the United States, of such its rules and laws will be applicable, their enlistment or commissioning will be upon the consent, or by command of their chief, and headman of their family.

It is agreed here that one such enlisted or so commissioned as to they may never be asked to serve against their own or as to stand against one of their kindred in war.

However, service in such ways of the tribal nation as such person, a warrior and all of such citizens of the tribal nation and as to those whom reside within and through out the tribal nation shall be protected in their service to their tribe, and to that of the United States by this treaty, and acts with in this a covenant as to set in stone by such marks and by the letting of blood and as so guaranteeing their ways of life as to their, lands, their pursuit of happiness as well as religious and traditional ways and customs. Thus upon the pains of causing such a warrior to act in the fierce tenacity of his duties the warrior may act in traditional manors causing such fierce emotions of terror against the enemies of the Untied States as such that they would plead for mercy and peace. .

### **Article 5**

The said tribes and their associate bands, and as such confederates pledge themselves to give notice to the recognized agent of the United States residing near, or upon such as the high seas as to be near them of any designs which they may know or suspect to [be] formed in any neighboring tribe, or by any person whatever, or nation whatever against the peace and interests of the United States.

It is agreed that a breach of the peace, and acts judged as breach of this treaty is as such a breach of trust, thus so and as such any person whom violates such trust shall receive no less than that of two years hard labor at the execution by an order of the and as such by the pleasure of the Chiefs of the Tribal Nation

### **Article 6**

The covenant being set and agreed on by the said tribes and their associate bands are now, and agree to remain, friendly with such tribes as are now at peace with the United States, residing upon the waters of the Mississippi, Arkansas, Missouri, and Red Rivers. In as such observance in return all shall be at peace with the tribal nation, in recognition of such of their lands, and waters and to all that is their holdings. This letting of blood and as such signing of this covenant is taken at The bayou Dorchie and confirmed in Natchitoches and by the council of elders at Little Hill Creek Brooke, and that of the mud creek river at the place of the blue water woman of Tejas, Mary de les Jesus before that of the sunset people of Nacogdoches, their sister of the Catholic Faith.

### Article 7

It is agreed that, and understood the Tribal Nation is as such a sea going nation and as such its powers of its navy and as such naval affairs of such tribal nation shall remain intact, and such access to all of its recourses shall be protected, however such shall be received in all ports as protected by the Naval Command as to flying, their flag and a flag of friendship thus may come to do commerce and intercourse with those whom they seek, and thus receive such aid in need, in as such ports of call which are not enemies of the United States, and as such and at the will and pleasure of the President through such acts of Congress the tribal nation may receive letters of Marque and Reprisal to help defend the tribal nation and as such as citizens of their borders and water ways and those of United States and that of the United States as such their collective interest.

### Article 8

It is agreed that, the Tejas Nation shall be a protectorate, Sovereign friend of the United States and may hold in reserve all of its rights in kind, thus have certain rights set aside as to the protections of the Sovereignty of The Tribal Nation its associated bands and of its confederates. As such the Tribal Nation may repatriate such lands, property utilized by or abandoned by The United States as such the Tribal nation may never declare war against their Sister Nation of the United States. It is agreed that other Countries or such Nations which have entered into such covenants with the Tribal Nation, its warriors, bands, associated tribes, and its councils and its chiefs as set forth shall not be diminished nor can they be extinguished by the United States. It is agreed that this covenant is entered into freely and with out threat of invasion of force, or such use of arms and as such understood that the presence of such force present is as a discovery and not to declare such war, or to do war with or desire such a war with the Tribal Nation of Tejas, or that of its peoples. It is agreed that those belonging to the Tribal Nation shall be allowed to do commerce and free trade with the United States with out duress of impediments of taxation, levies or tariffs or any such instruments required from them by the United States and as such they shall enjoy free trade and intercourse thus be set as favored among the United States. It is agreed that, a due course of laws shall prevail and if any Indians shall commit a murder or robbery on any citizen of the United States, the tribe or nation to which the offender belongs shall deliver up the person or persons so complained of, on complaint being made to their chief for judgment, he or they shall be arrested, tried, and punished according to the laws of the Tribe and according to such laws of the United States and its Territories. Thus it is agreed in all fairness of law that said person lawfully judged shall be interned for execution of the judgments by the said Chief(s) to the Recognized Authority of the United States.

### Article 9

Nevertheless, should any bad men, in defiance of this agreement, continue to make depredations of any nature, thus as judged a violation of this treaty and such breach of this covenant the person convicted thereof shall be punished with the utmost severity, according to the laws of the tribe, and that of the United States, and by such territories, or possessions where the offence may have been committed this includes any and all horses so stolen, either by the Indians from the citizens of the United States or by the citizens of the United States from any of the said tribes or nations, into whose possession soever they may have passed, upon due proof of rightful ownership, shall be restored; and the chiefs of said tribes or nations shall give all necessary aid and protection to citizens of the United States in the relief of reclaiming and recovering such stolen horses; goods and property and the civil and criminal magistrates of the United States, respectively, shall give all necessary aid and protection to Indians in claiming and recovering such damaged or stolen property, goods, and in the protection of their claims for relief and in guaranteed their rights where as such Indians cited for such transgressions of the peace of this treaty and laws shall be heard by a court of their peers as administered by their chiefs, and as such if any recognized agent of the United States be found among them be remained over for execution of such sentences have thus been delivered by the chiefs.

It is further agreed any bond man, slave or servant which has come to the Tribal nation and now is such as a citizen or member of any house, or any associated bands, or member of the confederated tribes which there are with in Tejas, shall be set no longer as a slave but be recognized as a freeman. Thus declared a freeman, may never be sold into bondage for debts, not shall these men or their families be chattel as to be bought or sold as such property. Nor may their former master seek them in these lands, or return them to their place of enslavement as such is a breach of the peace of this covenant and thus so constitutes the punishment of the pain of death, less it cause the Tribal nation to rise up and war against those whom have taken their kindred

It is further agreed that the Tribal Nation will forgive such intrusions, by the United States, upon the Tribal Nation and its lands for, its transgressions and those attempts of reclamation of slaves or such property of those former owners of such peoples.

As forth coming it is set as the United States recognizes the courts of the Tribal Nation with its just, fairness and its mercy and thus The United States agrees to the set terms with in such covenant with the Sovereign Chief, his warriors, council and associated and confederate bands, and tribes.

It is further agreed that blacksmiths shall be sent to reside among the said tribes or nations, to keep their guns and farming-utensils in order, as long and in such manner as the President may think proper and the need of them be useful to the tribal nation. It is further agreed that school-teachers, at the discretion of the President, shall be sent among the said tribes or nations for the purpose of instructing them; and the said tribes or nations being discovered as Christians having no formal instruction in the Gospel agree that preachers of the gospel may travel or reside among them by permission or such order of the President of the United States or his agents to be appointed, and thus by permission and by election of the chiefs and that ample protection shall be afforded them in the discharge of their duties, by such chiefs.

The said tribes or nations and their associate bands, and as such their confederates are now, and forever agree to remain, at peace with the United States. All animosities for past offences and such trespasses are hereby mutually forgiven and forgotten, and the parties to this treaty pledge themselves to carry it into full execution, in good faith and sincerity.

### Article 10

We thus having met Christian Natives and as such have the Trust and the vested authority of the President of the United States and the fullness of the faith of Congress to treat and act in the Interest of the United States we thus so for the common good of all we move and Treat for peace, and trade. We thus Treat freely with This Nation and as such bind such as the United States as to this oath with a covenant of gifts, smoke and blood drawn freely by both parties as to determine a solution of peace with out war, thus we honor life and regard it as precious and as such a sacred gift of God Almighty, and through the Name of Jesus Christ His son declare our covenant before Him to our allies and neighbors such as good will and thus declare We are brothers and as such we are and will be our brothers keeper.

**For the Untied States**

Signed  
Richard Sparks United States

Signed  
Thomas Freeman United States

Signed  
John Joseph Duforest Lt. United States

**For the Tejas , and associated bands and confederates -**

- Walksfar and his mark
- Middelbrooks and his mark
- Azule Delos Negora and his mark
- Red Woman Buffalo and her mark and the marks of her seven husbands:  
Looking twice, man on Earth, Crowhop, Otter Bear, Little voice, yonger wolf, Santiago  
De Chrstos los roja casa
- Cul los Kic acoup - "wars against dog" and his mark
- Wondering Elk and his mark
- Sister Mary Azule les le Rosas -("blue flower") a catholic convert (nun) her signature
- Peter Blackhand and his signature- "captain of captured small vessel"
- Crows fly west and war chief his mark
- Four winds sing alone war chief - and his mark
- Juan baptist los Tehesha War chief and his mark
- Red Bear the younger - Sachem and his mark
- Mirum Bolton " Speaking hands" his signature tribal scribe educated by catholic  
priest -
- Sahnoan les e Kic azule " blue woman of good health "and her mark ( holy woman -  
medicine woman-midwife to chiefs)
- Songs with birds and her mark (tribal story teller)
- Rosebud younger Chief (cadis) and his mark
- Walter S Freeman his mark (escaped slave to Master E Smith) Tribal Freeman

Other signatures were illegible and too far faded to read after this point



s/s- certified by: Jay Yerger document specialist Tribal notary 1986 - Jun 02  
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## **FREEMAN-CUSTIS EXPEDITION (1806)**

Thomas Jefferson knew that to make the most of the 1803 Louisiana Purchase, the United States needed to understand what it had bought. Even before the purchase was made, he had planned to send Meriwether Lewis and William Clark up the Missouri River. He also wanted to send explorers up the Red and Arkansas rivers. The Red River Expedition, also called the Freeman-Custis or Sparks Expedition, was part of Jefferson's master plan.

The Red River offered not only a path to acquire scientific knowledge but also perhaps an approach for American traders to Santa Fe. Moreover, the United States wanted to establish its authority with the numerous American Indian tribes that lived along the river. Secretary of War Henry Dearborn was charged with organizing the exploration in 1804. Dearborn selected Thomas Freeman, a surveyor, and Peter Custis, a medical student, to lead the scientific team on the mission up the Red River. It was the first exploration to be led by trained scientists.

In early 1805 the U.S. Congress appropriated five thousand dollars for the expedition, which Jefferson called the "Grand Excursion." Capt. Richard Sparks of the U.S. Army was selected for overall command of the group. He brought infantrymen to provide security, and several local guides were hired to assist. The long delay in starting the expedition and the extensive preparations sharply increased costs; moreover, the slow start helped doom the mission to failure.

Spain and the United States had created a commission to determine the boundary between Louisiana and New Spain. The former Spanish governor of Louisiana, the Marquis de Casa Calvo, had remained in New Orleans to serve on the boundary commission. Jefferson ordered local authorities to secure Casa Calvo's permission for the expedition. The marquis issued a passport but noted that he could not override the Spanish authorities in Texas. He also informed Texas officials that the expedition would soon ascend the Red River. Spanish administrators in Texas were already agitated about the boundary dispute. They adamantly opposed the American exploration of Spanish territory. Capt. Francisco Viana, newly appointed as commander of the garrison at Nacogdoches, was dispatched to stop the mission.

Meanwhile, the expedition entered the Red River in May 1806. Progress was slow, and it was a month before the explorers passed into uncharted areas beyond Natchitoches. Snags and logjams on the river continually delayed the boats; the

company encountered the Red River Raft, a huge obstruction that clogged the stream. It took almost two months to negotiate the Great Bend of the Red River in present Louisiana and Arkansas. The party did establish friendly relations with the Caddo and Alabama-Quassarte (Coushatta) villages on the river, and Freeman and Custis recorded valuable information about the peoples and ecology of the watercourse.

However, before the party could reach present McCurtain County, Oklahoma, southeast of Idabel, on July 28, 1806, they were met by Spanish troops under the command of Francisco Viana. While the explorers had followed the river, the Spanish force had marched overland. Viana ordered them to leave. On August 1, unwilling to instigate an international incident, the Americans headed down river. The spot of the confrontation, known as Spanish Bluff, is located northeast of New Boston in Bowie County, Texas.

The Freeman-Custis/Sparks Expedition was destined to fail by slow organization and unsettled conditions on the frontier. No new geographic information about the upper reaches of the Red River was obtained. The mission was a political setback for President Jefferson. The materials that Freeman and Custis did collect were vastly overshadowed by the achievements of Lewis and Clark, who had returned in 1806. The U.S. Army would not explore the headwaters of the Red River until the expedition of Randolph B. Marcy in the 1850s.

**SEE ALSO:** RANDOLPH MARCY, RED RIVER, RED RIVER RAFT, WESTWARD EXPANSION.

**BIBLIOGRAPHY:** Dan L. Flores, "The Ecology of the Red River in 1806: Peter Custis and Early Southwestern Natural History," *Southwestern Historical Quarterly* 88 (July 1984). Dan L. Flores, ed., *Southern Counterpart to Lewis and Clark: The Freeman and Custis Expedition of 1806* (Norman: University of Oklahoma Press, 2002). Carl N. Tyson, *The Red River in Southwestern History* (Norman: University of Oklahoma Press, 1981).

**Carl N. Tyson**

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## INDIAN RELATIONS IN TEXAS

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## Indian Nations of Texas

Texas was home to hundreds of tribes of American Indians. The following tribes are discussed on this website.

### Alabama-Coushatta

Though recognized as two separate tribes, the Alabamas and Coushattas have long been considered one tribe culturally. They migrated from present-day Alabama beginning in 1763, eventually settling in the Big Thicket area of Southeast Texas. The Alabamas and Coushattas were skilled warriors but preferred to stay at peace. They fought with Stephen F. Austin in his campaigns against the Karankawas and in the Fredonian Rebellion, and successfully drove the Comanches out of their territory in 1839. Their assistance to the Texans during the Runaway Scrape in 1836 won them the friendship of even such an inveterate Indian fighter as Mirabeau B. Lamar.

In 1853, the Alabamas moved to a reservation in Polk County, where they were joined by the Coushattas in 1859. They helped move military supplies for Texas during the Civil War. Their support won praise from Confederate governors Francis R. Lubbock and Pendleton Murrah. However, the 1870s saw the two tribes reach a low point, as an influx of white settlers into their lands destroyed their traditional way of life.

In the 1880s, the Alabamas and Coushattas began to build new lives, becoming experts in the burgeoning lumber industry and embracing both Christianity and education as anchors in their lives. During these years, an attorney from Livingston, J.C. Feagin, became a tireless advocate for the tribes. Feagin worked for decades to gain federal assistance for land and educational opportunities that would enable the tribes to be economically self-sufficient once again. This effort finally began to pay off in the 1920s, when the government purchased an additional 3000 acres of land that helped make the Alabama-Coushatta more competitive farmers. The federal government also paid for additional educational facilities, a gymnasium, and a hospital.

Since then, Alabama-Coushatta affairs have been alternately under both state and federal jurisdiction. The tribes formally incorporated under the Indian Reorganization Act of 1934 and developed both a constitution and by-laws.

### Anadarko

The Anadarkos lived in East Texas in present-day Nacogdoches and Rusk counties. Greatly impacted by disease and warfare, they migrated westward after the Texas Revolution, seeking an area where

they could live free of white interference and depredations from fiercer tribes. They moved to the Brazos Indian Reservation in 1854, and to Indian Territory in 1859.

### **Apache**

The Apaches dominated almost all of West Texas and ranged over a wide area from Arkansas to Arizona. Two groups of Apaches, the Lipans and the Mescaleros, were of primary importance in Texas. Apaches were among the first Indians to learn to ride horses and lived a nomadic existence following the buffalo. They also farmed, growing maize, beans, pumpkins, and watermelons. During the era of Spanish rule, the Apaches staged constant raids against the Spanish missions. But as the 1700s wore on, they found themselves subject to raiding from the even more fearsome Comanches. Eventually, they entered an on-again, off-again relationship with the Spanish, sometimes warring and raiding, other times allying with the Spanish against the Comanches and other enemies.

When Anglo Americans began moving into Texas, the Apaches cultivated a friendship with them as a bulwark against the Comanches. This friendship broke down in 1842, perhaps because of the unsolved murder of a Lipan chief named Flacco the Younger, whom the Lipans believed was killed by whites. Lipan and Mescalero Apaches moved across the Mexican border and began a series of destructive border raids that lasted for decades. It was not until 1873 that the U.S. Army under Colonel Ranald S. Mackenzie led a force into Mexico, destroyed the Apache villages, and forced the survivors onto a reservation in New Mexico.

### **Arapaho**

The Arapahos ranged to the north of Texas over a wide area encompassing much of present-day Colorado, Nebraska, and the Dakotas, westward to the Rockies, and eastward into Kansas and Oklahoma. They lived a nomadic lifestyle following the buffalo. Close allies of the Southern Cheyennes, they came into conflict with the Comanches over territory in the late 18th and early 19th centuries. Around 1840, the Arapahos and Comanches made peace with each other and joined forces against further American expansion onto the western plains. The U.S. Army defeated the Arapahos in a series of violent confrontations in the 1860s, and many members of the tribes moved onto to a reservation in Wyoming. In 1869, a reservation was established near present-day Oklahoma City for the remaining southern branch of the tribe.

### **Biloxi**

The Biloxis gave their name to the area around Biloxi, Mississippi, where they first encountered European explorers. They began to migrate westward in the 1760s to avoid white interference. By 1828, a group had settled along the Neches River in present-day Angelina County. The Biloxies became allies of the Cherokees and were caught up in the violence in 1839 that drove the Cherokees out of Texas. Following that disaster, the Biloxies scattered. Some went into Arkansas with the Cherokees, while others joined up with the Alabama-Coushattas, the Choctaws, and the Creeks. Other families moved west to present-day Bell County. Eventually, Biloxis settled as far west as Brackettville and as far south as Nacimientito in Mexico.

### **Caddo**

Caddo is the name given to about 25 affiliated groups of people who lived near the Red River in East Texas, Arkansas, Louisiana, and Oklahoma. They lived in complex settled societies and were known for their cultivation of corn (maize) and their beautiful ceramics. As Europeans moved into their areas, the Caddos became leading traders, trafficking in furs, guns, and horses with Europeans and other Indians. By the early 1840s, the Caddos had moved to the Brazos River area to try to escape the relentless pressure of American expansion. They were forced onto a reservation in 1855. In 1859 they were forced to move again, this time to a reservation in Indian Territory (Oklahoma). Today, many Caddos continue to reside in Caddo County near Binger, Oklahoma.

### **Cherokee**

The Cherokees were one of the principal Indian nations of the southeastern United States. Wars,

epidemics, and food shortages caused many Cherokees to migrate west to Missouri, Arkansas, and Texas in hopes of preserving their traditional way of life. Those who remained behind in the Southeast were eventually removed forcibly to Indian Territory (Oklahoma) in the incident known as the "Trail of Tears."

Cherokees settled in Texas near the Red River. Pressed further south by American settlement, in 1820 about sixty families under Chief Bowl (Duwali) settled in Rusk County near the Caddos. As Americans settled that area, distrust grew between them and the Cherokees. Hoping to gain a legal title to their land, the Cherokees invested a great deal of energy in cultivating a relationship with Mexico. Hoping to protect this relationship, they remained neutral between Texas and Mexico during the Texas Revolution.

Sam Houston was an adopted member of the Cherokee tribe and a forceful advocate for the people. He negotiated a permanent reservation for the tribe in East Texas, but the treaty was never ratified by the Texas Congress. Under President Lamar, Texas fought a war with the Cherokees in 1839 which resulted in the defeat of the Indians. Most Cherokees were forced into Indian Territory.

### **Cheyenne**

The Southern Cheyennes lived an agricultural lifestyle in the Black Hills area until the introduction of the horse, when they adopted a nomadic lifestyle following the buffalo. Along with their allies, the Arapahos, they dominated the plains between the Platte and Arkansas Rivers. Like the Arapahos, in 1840 they settled their long-running war with their traditional enemies, the Comanches, Kiowas, and Apaches. For about ten years, they lived in relative peace, concentrating on trading with other tribes, Americans, and New Mexicans. However, by 1850 the tribe was under severe pressure from cholera, the whiskey trade, the decline of the buffalo, and the loss of their camping and hunting grounds to American expansion. The tribe was split on how to deal with their setbacks, with some chiefs negotiating with the Americans for peace, and the famous Dog Soldiers waging relentless war. The U.S. Army moved to crush the Southern Cheyennes in several engagements, including the well-known incidents at Sand Creek (1864) and the Washita River (1868). Following the Washita massacre, the Cheyennes relocated to a reservation in Oklahoma. A number of Cheyennes took part in the Red River War in Texas in the 1870s.

### **Chickasaw**

The Chickasaws lived in present-day Kentucky, Tennessee, Mississippi, and Alabama. They lived in permanent settlements, and their way of life depended on both hunting and agriculture. In the mid-sixteenth century, they were among the first Indians to encounter Spanish explorers. After years of resisting American pressure to move, in the mid-1830s the Chickasaws were forced to abandon their traditional homes and take up residence in Indian Territory. A number of Chickasaws disliked the new territory and established a small community near Nacogdoches. The Chickasaws had been among the most prosperous Indians in the United States before they moved, but the dislocation, together with Comanche raiding, hit their society hard. In 1843, Texas promised in the Bird's Fort Treaty to exercise better control over the Red River area and prevent the raiding. During the Civil War, the Chickasaws, who owned African-American slaves, sided with the Confederacy. After the war, Chickasaw territory became a crossroads for the cattle drives, and the tribe largely lost its identity.

### **Coahuiltecan**

Coahuiltecan is the name given to hundreds of small Indian groups who lived in northern Mexico and south Texas. These simple hunter-gatherers found themselves caught in the middle between Spanish colonizers and Apache raiders. Due to these pressures and disease, their population went into a steep decline during the early Spanish period, and little is known of their culture or way of life. A large number of the survivors gathered in Spanish missions for protection from the Apaches. By 1800, most of the remaining Coahuiltecan had merged with other tribes or intermarried with the Hispanic population.

### **Comanche**

The Comanches dominated a vast area of North, Central, and West Texas. There were at least thirteen active bands of Comanches, with five playing prominent roles in Texas history. These unparalleled horsemen led a nomadic lifestyle following the buffalo. They controlled trade in produce, buffalo products, horses, and captives throughout their domain. In the 1700s, the Comanches made their presence known in Texas by warring with the Apaches and the Spanish. Fearing that they would lose Texas to the Comanches, the Spanish negotiated a peace treaty with them in 1785. When the Spanish were unable to keep their promises in trade goods and gifts, Comanche raiding against the Spanish resumed, with many of the stolen horses being traded to newly arrived Americans.

After the Texas Revolution, Americans wanted to settle in the Texas Plains. The Comanches fiercely resisted their encroachments with destructive and deadly raids on the frontier. A cycle of raiding and retaliation on both sides climaxed during the presidency of Mirabeau B. Lamar. Lamar's policy succeeded in driving the Comanches across the Red River, but at a terrible cost to both sides. After Texas became a state, a number of Comanches were defeated by disease, warfare, and the depletion of the buffalo and moved to a reservation in Indian Territory (Oklahoma). However, many others remained active and were able to stop the spread of white settlement west of the Texas Hill Country.

In the 1870s, Comanches launched a major attack against buffalo hunters at Adobe Walls. This raid brought down a retaliatory U.S. Army campaign under Colonel Ranald S. Mackenzie that broke Comanche power once and for all. The Red River War ended in Palo Duro Canyon with the destruction of the Comanche horse herd. The Comanche way of life could not survive without their horses. The Comanches were forced to surrender and begin the painful transition to reservation life. Their tribal government today operates near Lawton, Oklahoma.

### **Delaware**

The Delawares originated in the Delaware River region but were driven from their ancestral home by disease and white settlement. Eventually, the main body of the tribe ended up in Missouri and Kansas. They were relocated to Indian Territory (Oklahoma) in 1868. These survivors became part of the Cherokee nation.

A small group of Delawares migrated to Texas and settled around the Red and Sabine Rivers. Under the presidency of Sam Houston, the Delawares assisted ranger patrols on the frontier. During the administration of Mirabeau B. Lamar, they were caught up in the Cherokee War and were forced into Indian Territory. A few Delawares remained in Texas and worked as traders, scouts, and guides for several important expeditions. The Delawares used diplomacy to help bring the Comanches to a treaty council with Texas in 1844. Eventually, the Texas Delawares relocated to Oklahoma, where they merged with the Caddo nation.

### **Hainai**

The Hainais lived near the Neches and Angelina rivers. They were the leading group in the Hasinai confederacy, a group of eight tribes that lived in Arkansas and East Texas. The word Texas (Tejas) comes from the Hasinai greeting meaning "friend." Archeologists have found evidence that this group of people had a large settlement in the area as far back as 780-1260 A.D., with substantial farms, villages, and temples. When the French and Spanish explorers first encountered the Hasinai, they found a people who fished, grew maize, beans, and squash, and hunted small game, buffalo, and bear. Within a few decades, disease, alcoholism, and pressure from whites and other Indians had taken a terrible toll on their once-great culture. At the end of the Cherokee War, they migrated to the Fort Worth area, and in 1859 they were relocated to Indian Territory.

### **Jumano**

Jumano is the name given to three distinct groups who ranged over northern Mexico, New Mexico, and Texas. Their primary base was in the Big Bend area of Texas. They were among the first Texas Indians to encounter Europeans when they were visited by Álgvar Núñez Cabeza de Vaca in 1535. During the Spanish years, the Jumanos were active in organizing trade fairs between the Spanish and

other Indians. They sometimes worked as scouts and missionaries for the Spanish, but are also known to have rebelled in the early 1600s. In the 1660s, the Jumanos faced a rapid population decline due to famine and war with the Apaches. By 1700 they had lost all their territory and trade routes. Their culture eventually died out, with the survivors drifting to join other tribes, including the Apaches. Some scholars believe that a small group of Jumanos became the foundation of the Kiowas in Texas.

### **Karankawa**

Karankawa is the name given to several related groups who lived along the Texas coast from Galveston to Corpus Christi. The Karankawas were nomads who lived off the sea. They migrated between the mainland and the barrier islands in the Gulf of Mexico, seldom remaining at a campsite more than a few weeks. The Karankawas were the first Indians in Texas to encounter Europeans. In 1528, the survivors of a Spanish shipwreck, including Álvar Núñez Cabeza de Vaca, washed ashore and spent six years with the Indians. Several generations later, in 1685, the Karankawas attacked and wiped out the tiny French settlement of Fort St. Louis near Matagorda Bay.

In the 1700s, the Karankawas faced renewed attempts of the Spanish and French to settle the coast as well as incursions from other Indian tribes, including the Tonkawas and Comanches. These contacts brought both war and epidemic disease. In 1819, the Karankawas attacked the pirate compound of Jean Lafitte on Galveston Island but were badly defeated. In 1824, Stephen F. Austin personally led an expedition with the goal of exterminating the Karankawas. Although a Spanish priest negotiated a peaceful settlement, the Karankawas had already entered a downward spiral in terms of population. By the 1840s, the remnants of these people had moved into the lower Rio Grande Valley, where they were annihilated in 1858 by a Texan force led by Juan Nepomuceno Cortina.

### **Kichai**

The Kichais lived along the Louisiana-Texas border on the Red and Trinity rivers. Disease and warfare greatly reduced their numbers, and they were reduced to two small villages near present-day Palestine by the 1770s. In 1855, they joined several other small tribes in moving to the Brazos Indian Reservation. In 1858, they fled the violence in the area and moved to Indian Territory, where they joined the Wichitas.

### **Kiowa**

The Kiowas originated in the area of modern-day Yellowstone Park but migrated south after the introduction of the horse culture. They became among the greatest horsemen in the world and, along with the Comanches, the most feared of the Plains tribes. They formed an alliance with the Comanches around 1790 and together with the Arapahos and Southern Cheyennes, successfully held back American expansion into the southern plains for decades. The **Salt Creek Massacre**, also known as the Warren Wagon Train Raid, was led by Kiowas, and two of the leaders, Satanta and Big Tree, were tried for murder in a one-of-a-kind trial that made national headlines. The Salt Creek Massacre led the U.S. Army to adopt a much more aggressive policy toward the Kiowas and their allies, and by June of 1875 the tribe was forced on to the Fort Sill reservation in Oklahoma.

### **Kickapoo**

The Kickapoos originated in the Great Lakes region. By the time of the Republic of Texas, a number had migrated to Texas and allied themselves with the Cherokees. As Cherokee allies, they were caught up in the violence of President Lamar's attempt to expel most Indians from Texas. The Kickapoos fled to Mexico, where they formed an alliance with the Mexican army and conducted continuous harassing raids into South Texas.

During the Civil War, Kickapoos from Kansas and Indian Territory (Oklahoma) journeyed across Texas to join their kinsmen in Mexico. On January 8, 1865, three bands of Kickapoos were attacked by Confederate cavalry on Dove Creek, a tributary of the Concho River. The Kickapoos successfully fought off the attack and continued to Mexico, where the Dove Creek battle fueled Kickapoo anger and led to even more aggressive border raiding.

In 1873, Colonel Ranald Mackenzie led an expedition against the Kickapoos. Mackenzie captured forty of the tribe's women, children, and elderly and took them to Fort Gibson in Indian Territory. These people served as hostages to compel the Kickapoo warriors to surrender and begin reservation life. Most refused and continued to live at El Nacimiento in northern Mexico, which remains the home for most Kickapoos today. They are notable for their adherence to their traditional way of life.

### **Pakana Muskogee**

The Pakana Muskogees were a branch of the Muskogee or Creek Indians who migrated in 1834 from Alabama and Louisiana to present-day Onalaska in Polk County. Their fortunes were closely tied to those of the Alabamas and Coushattas, who lived nearby. Disease, along with intermarriage with the Alabamas and Coushattas, led to their decline. The Pakana Muskogees numbered only 42 tribal members in 1882. Most of these survivors moved to the Creek reservation in Oklahoma in 1899.

### **Potawatomi**

The Potawatomis originated in the Great Lakes area near present-day Green Bay, Wisconsin. In the 1830s and 1840s they fled the advance of white settlement. Most of the tribe moved to Kansas and Oklahoma, but one group allied itself with the Kickapoos and settled at the headwaters of the Sabine and Trinity rivers in 1852. They were involved in the Dove Creek massacre incident in 1865.

### **Shawnee**

The Shawnees originated in the Ohio and Cumberland valleys in present-day Kentucky. During winter, they ranged in search of game, while in warm months they settled and raised crops such as corn, squash, and beans. Beginning in the early 18th century, the Shawnees began to migrate westward to try to escape white expansion into their territory. In 1822, a band of Shawnees settled in Texas on the south bank of the Red River. They cultivated peace with both Indian neighbors and American and Mexican settlers. In 1832, under the leadership of chief John Linney, they assisted the Mexicans in their war with the Comanches.

In February 1836, Sam Houston signed a treaty with the Shawnees, along with a number of other Indian tribes, which designated land for their use. However, this treaty was never ratified by the Texas Senate. The Shawnees remained neutral during the Cherokee war in 1839, hoping to preserve their way of life in Texas. The following year, Texas paid the tribe to leave for Indian Territory. Unlike many tribes, the Shawnees were able to preserve much of their culture, including their ceremonial dances and other religious practices.

### **Tawakoni**

The Tawakonis were a Wichita group who ranged between present-day Waco and Palestine. They participated in the 1758 raid on the Spanish mission at Santa Cruz de San Sabá. The Tawakonis were included in treaties made with the Republic of Texas and later with the United States. In 1859, they moved to the Wichita reservation in Indian Territory (Oklahoma).

### **Tigua**

The Tiguas are descended from refugees from the Pueblo Revolt of 1680, in which the Pueblo tribes of New Mexico united to fight the Spanish. In 1751, the king of Spain granted the Tiguas land near present-day El Paso, a claim that was recognized by the subsequent governments of Mexico, the Republic of Texas, and the United States. However, both legislative acts and unscrupulous land traders eventually robbed the Tiguas of their land. In the 1960s, the Tiguas organized and won recognition from the state as a tribe, then filed a claim for their original grant and other traditional lands in the area. Today they occupy a 26-acre area which contains housing and bingo gambling.

### **Tonkawa**

Tonkawa is the name given to several independent groups that banded together in Central Texas in the

early 1700s. Their preferred lifestyle was to be nomadic buffalo hunters, but they often found it difficult to pursue this life because of raiding by their traditional enemies, the Apaches. They resisted Spanish colonization and played a leading role in the destruction of the Santa Cruz de San Sabá Mission. In 1784, the Spanish killed El Mocho, the leading war chief to the Tonkawas, ushering in an era of uneasy peace. The Tonkawas formed an alliance with Stephen F. Austin and the Americans and helped them in wars against the Comanches and Wichitas.

The Tonkawas suffered grave losses in the 1850s, when their reservation in Young County on the Brazos River was attacked by white Texans. They were forced to move to a new reservation in Indian Territory (Oklahoma), where they were attacked and decimated again, this time by a group of Delawares, Shawnees, Wichitas, Caddos, and others. The survivors came back to Texas, where they settled around Fort Griffin and worked as scouts for the United States Army until the end of the Indian Wars. In 1884 they returned to a reservation in Oklahoma.

### **Waco**

The Wacos were a branch of the Wichita tribe. Most Wacos (also spelled Huecos) lived on the Brazos near present-day Waco, though another band lived in the New Braunfels area. They combined the buffalo lifestyle in the winter with an agricultural life the rest of the year, growing bean, squash, corn, melons, and watermelons.

### **Wichita**

Wichita is the name of several bands of people who lived in present-day Oklahoma, Kansas, and along the Red River in Texas near Nocona. Hunters and farmers, the Wichitas prospered during the Spanish and Mexican period, when they acted as middlemen in the lucrative trade between the Comanches and whites in Louisiana. The Wichitas participated in the Comanche-led raid on the mission Santa Cruz de San Sabá in 1758 and raided San Antonio on several occasions. Disease and warfare took a heavy toll on the Wichitas. The survivors eventually settled on a reservation near present-day Anadarko, Oklahoma.

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